

PATENT
Atty Docket: 53951-105
Ser. No. 10/672,242

DRAWING AMENDMENTS

Please replace the drawing sheets corresponding to the attached replacement sheets.

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Remarks

Specification Informalities

Each of the informalities in the drawings and text of the specification, which were noted in the Office Action, are corrected by amendments to specification and drawings.

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Claim Rejections

Claims 1 and 6 stand rejected under 35 U.S.C. §102(e) as being anticipated by Treu et al (US Pat. No. 6,638,478). The Office action states that Treu et al “teach a fluid balancing device ... an inherent controller to control flows in waste fluid flow path (66) and replacement fluid flow path (68) via a waste fluid and replacement fluid pump (52) based upon waste fluid pressure measurement via a pressure sensor (132).” (Citations omitted.)

Applicant respectfully traverses the rejection. Claim 1 recites a compensation signal that is responsive to a pressure measurement that includes a difference between respective inlet and outlet flow pressures of the balancing mechanism. First, the Office Action’s basis for the rejection is that Treu anticipates controlling waste flow “based upon waste fluid pressure measurement.” However, the claim defines a control scheme that is more specific than what is described by Treu. The claim requires the compensation signal be based on a pressure difference across a flow of the balancing device. The Treu device seeks to ensure high throughput by operating at a threshold waste pressure, which would be understood as an absolute or gage pressure at a point that is upstream of the balancing device. The pressure difference required by claim 1 is independent of the waste pressure and the claim is therefore distinct from what is described by Treu.

The new claims contain limitations that are similar to claim 4.

The undersigned attorney can be reached at 202 416 5818 or (mobile) 202 390 4992.

Please charge or credit Deposit Account No. 16-2500 for all fees as needed.

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Respectfully submitted,

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Dated: March 8, 2006

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